

Sonja D. Kerr (AK BAR NO. 0409051)
 The Disability Law Center of Alaska
 3330 Arctic Blvd., Suite 220
 Anchorage, AK 99503
 907-565-1002
 907-565-1000 Fax
skerr@dlcak.org

UNITED STATES DISTRICT COURT

FOR THE STATE OF ALASKA

A.M. et al.)	Case No. A05-0179 CV (TMB)
)	
Plaintiffs,)	
vs.)	
)	
Fairbanks North Star Borough)	PLAINTIFFS'
School District,)	MOTION FOR SUMMARY
)	FOR SUMMARY JUDGMENT,
Defendants.)	JUDGMENT ON THE
)	PLEADINGS

Plaintiffs' Motion for Summary Judgment/Judgment on the Pleadings

COMES NOW, the Plaintiffs, by and through counsel, hereby files their Motion for Summary Judgment/Judgment on the Pleadings pursuant to F. R. Civ .P. 56 and 12(c) and the Individuals with Disabilities Education Act and Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Summary Judgment and attachments, and hereby moves the court to award summary judgment in favor of Plaintiffs' by ordering the following:

1. Reverse the IHO's determinations that the District could and can lawfully refuse A.M. a full day of programming without any individual determination about his unique needs for same and instead based upon the District's service delivery system;
2. In the alternative, remand the matter to the IHO or a new IHO for a

redetermination of this issue, including any and all appropriate relief;

3. Attorney fees for the underlying due process hearing, the drafting of this complaint, and reasonable attorneys' fees and costs in the pursuit of this action.
4. All other appropriate relief consistent with the IDEA.

Respectfully submitted this 21st day of February, 2005.

Meg Allison #0511091

Meg Allison
Sonja D. Kerr, 0409051
The Disability Law Center of Alaska
3330 Arctic Blvd., Suite 220
Anchorage, AK 99503
907-565-1002
907-565-1000 Fax
skerr@dlcak.org

Certificate of Service

I hereby certify that on the 21st day of February, 2006, a copy of this document was served electronically on:

Brad Owens
Jernigan, Dunnagan & Owens
3000 A Street, Suite 300
Anchorage, AK 99503

Meg Allison
Meg Allison
Meg Allison

DISABILITY LAW CENTER OF ALASKA
3330 Arctic Blvd., Suite 103
Anchorage, AK 99503
907-565-1002
1-800-478-1234 Fax 907-565-1000